

DECLARATION OF DANIEL CARLIN WEBER

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MARYLAND SHALL ISSUE, INC., *et*
al.,

Plaintiffs,

v.

MONTGOMERY COUNTY, MD,

Defendant.

No. 23-1719

DECLARATION OF Daniel Joseph Carlin-Weber

COMES NOW, the declarant, DANIEL JOSEPH CARLIN-
WEBER, and hereby solemnly declares under penalties of perjury and
states that based upon personal knowledge that the contents of the
following declaration are true:

I am Daniel Joseph Carlin-Weber, a natural person. I am an adult
over the age of 18, a Maryland resident and I am fully competent to give
sworn testimony in this matter. I have a lengthy professional and
avocational background in various computer technologies. My work
includes video editing, digital media distribution, and maintaining
websites. I am conversant with the methods used to create the
submitted map. This preparation of this declaration was assisted by

persons under my immediate control and review and I have personally verified that statements made herein are true and accurate.

I have prepared maps and performed calculations as to the areas affected by Bill 21-22E. Rounded to a whole number, Bill 21-22E proscribes carry in 21% of the county by area, including every urban area in the County. This declaration details the areas in which Section 57-11(a) of Montgomery County Code would prohibit a person with a Maryland Wear and Carry Permit from carrying a firearm under the terms of that State issued permit. The calculations set forth in this declaration exclude all areas in which firearms are permitted under the exception provisions of Section 57-11(b). References to “carry” in this declaration are to be understood to mean the possession and transport of a loaded firearm by a permit holder, as otherwise permitted by current State law.

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I. METHODOLOGY

In developing the map, I took the following steps:

- 1) I used a service called “Overpass,” which is part of the Open Street Maps Project, and government maps.
 - a. The “Overpass” API allows the search of certain amenities.
 - b. Open Street Maps uses commercial map data, city and county maps, to contextualize Geographic Information Systems (“GIS”) and Geographic Names Information System (“GNIS”) tags. The system predominantly uses United States Geographic Survey (“USGS”) data.
 - c. I referenced Topologically Integrated Geographic Encoding and Referencing (“TIGER”) data from the US Census Bureau to reference roads, lakes, buildings, rivers, and census tracts to limit our data to Montgomery County.
 - d. I referenced water features from the National Hydrography Dataset.
 - e. The above referenced information is a system of standardized tags to national landmarks, features of terrain,

operators and owners of land to contextualize and limit the referenced landmarks.

- 2) To visualize the referenced data, I used a popular JavaScript library called “leaflet” to draw a map.
 - a. I used a base layer from Stamen Design, who provides visual map data to National Geographic, Facebook, and others.
- 3) To correlate the map data to areas affected by Bill 21-22E, I used the following queries:
 - a. For § 57-1(1)(J), childcare facilities, I queried ways and relations for amenities or buildings that have the name “childcare” within them.
 - b. For § 57-1(4), courthouses, I queried ways and relations for amenities or buildings with the string “courthouse”.
 - c. For § 57-1-(i) and (e), “multipurpose exhibition facilities, such as fairgrounds or conference” facilities or “recreation facilities”, I queried for names which contain “fairgrounds,” with a regular expression designed to find “fair grounds” and “fair ground”. I queried amenities for “conference_center”,

which is a standard tag, and queried for names that contain “conference center”.

- d. For § 57-1(2), government buildings, including any placed owned by or under the control of a county, I queried for railway facilities, stops, stations, bus stations, (but not bus stops), boundaries which are considered “protected areas” which include government campuses and other government facilities with controlled ingress and egress, any structure owned or operated by a National Institute or Department of the United States or a subdivision thereof. I also queried for offices and buildings which were described as government, town halls, fire stations and police stations, prisons and jails, land uses attributed to the military according to the census data, and civil infrastructure under the ownership of any governmental body such as waste water plants and waterworks.
- e. For § 57-1(1)(F), hospitals, I queried amenities, buildings, and social facilities that were tagged as “hospitals,” “clinics,” or whose primary purpose was identified as a doctor’s office.

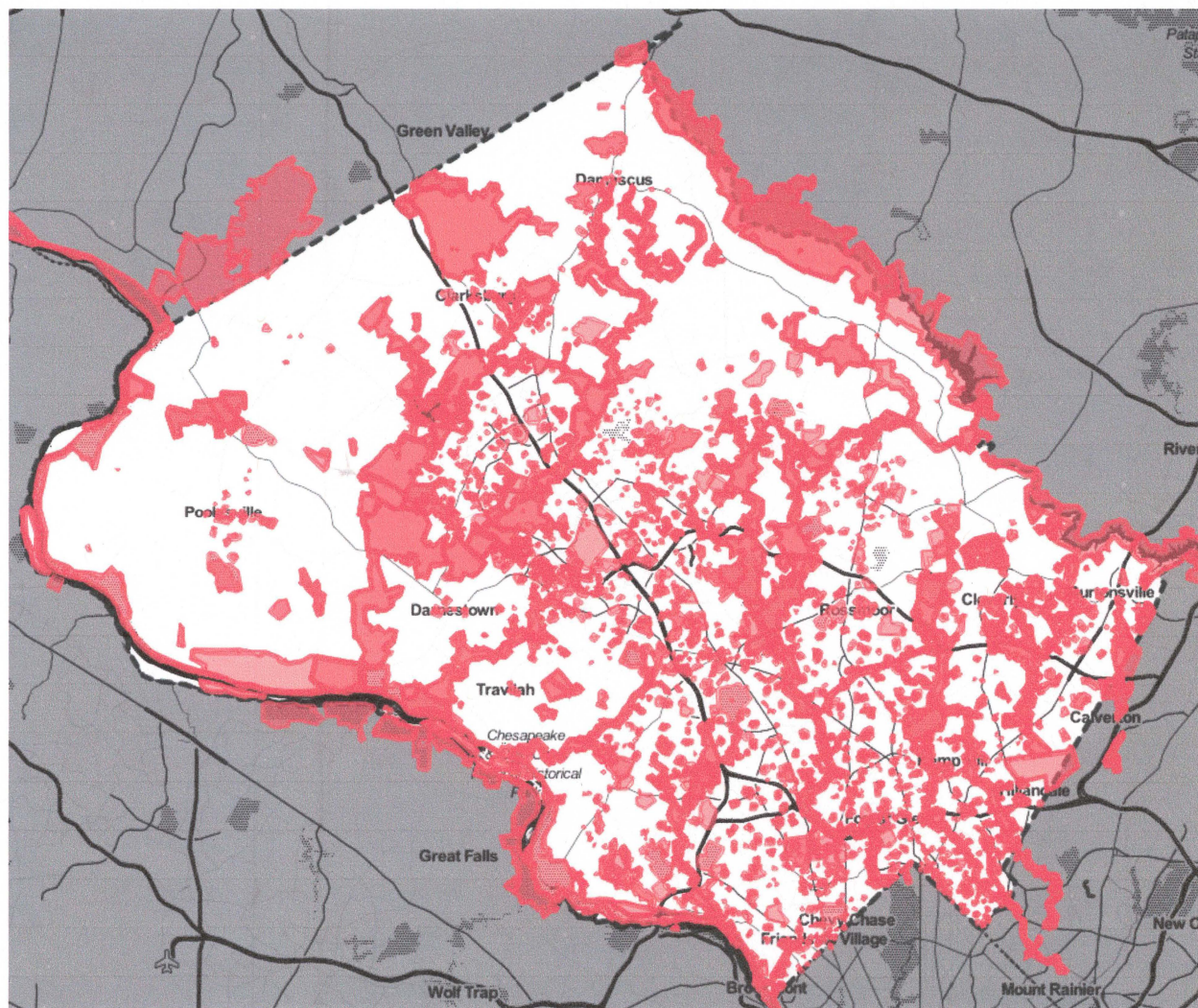
- f. For § 57-1(1)(D), libraries, I queried amenities or buildings tagged as “libraries.”
- g. For § 57-1(1)(H), long term care facilities including group homes, nursing homes, and care homes, I queried building amenities or social facilities tagged as “nursing_home”.
 - i. I did not query other types covered by the bill, because sufficiently narrow geographical tags were not available in the county.
- h. For § 57-1(1)(A), parks, I queried leisure tags for “parks”, “playgrounds,” and for lands identified as nature reserves which contain the name “park” or “sanctuary.” I also queried land use for “recreation_ground” and the boundaries of national parks.
- i. For § 57-1(1)(B), place of worship, I queried amenities for the standard tag “place_of_worship” and queried land use for “religious,” which covers large church complexes and church campuses.
- j. For § 57-1(3), polling places, I used the standardized amenity tag of “polling_station”.

- k. For § 57-1(1)(E), “recreation facilities”, I queried the standardized leisure tags for “sports_center” and “golf_course.” I then queried the leisure tag of “garden” only if the name contained “community” or “public.”
- l. For § 57-1(1)(C), schools, I queried standard amenity or building tags for every variation of “kindergarten”, “school”, “university”, “college”, or “research institute.”
- m. To query the county for its boundaries, I simply used the GNIS feature identifier for Montgomery County, 1712500, to limit results.
- 4) I packed each of the above referenced exclusions into a separate map layer referencing the bill’s subsection.
- 5) To calculate the buffer zones, each layer’s exclusions would be pushed out by 100 yards using the buffer calculation from the popular GIS data library “TURF”.¹
- 6) I then layered the exclusion layers above the calculated buffer, to visualize the distinction between the actual excluded feature and the 100-yard buffer there surrounding.

¹ const bufferYards = 100; const buffer = turf.buffer(feature, bufferYards, {units: 'yards'});

II. FINDINGS

The map of Montgomery County in its entirety, with all exclusion zones shaded, is as follows:



- 1) Of Montgomery County's 506.91 square miles, 106.45 are excluded from carrying a loaded firearm by Bill 21-22E.
 - a. Roughly 21% of the county's total area.

2) Entering the county while carrying a loaded firearm is, for practical purposes, impossible.

a. Interstate 270, Southbound.

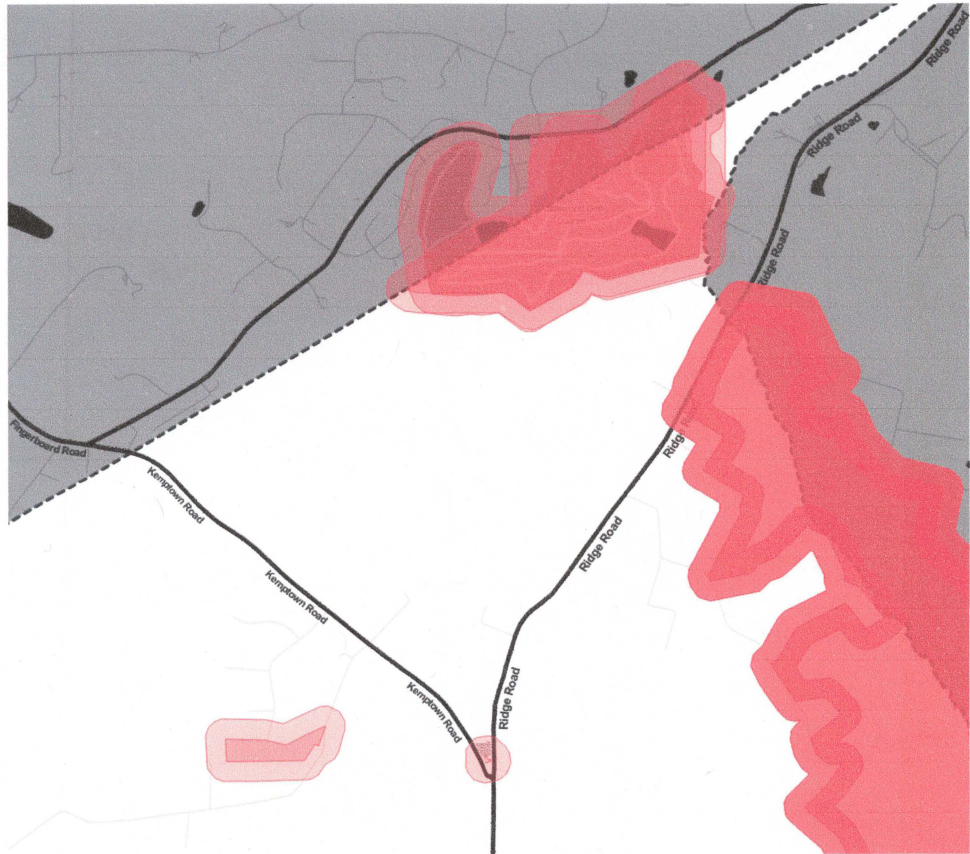
i. Near the intersection with Old Hundred Road, at that first exchange off of I-270, the exclusion area for two parks blocks and intersects lanes of the highway. The other nearby arterial roads intersect park and golf course buffer zones as well, as shown below:



ii.

b. Eastward from I-270, Ridge Road and Kempton Road are both obviated by St. Thomas Orthodox Syrian Church

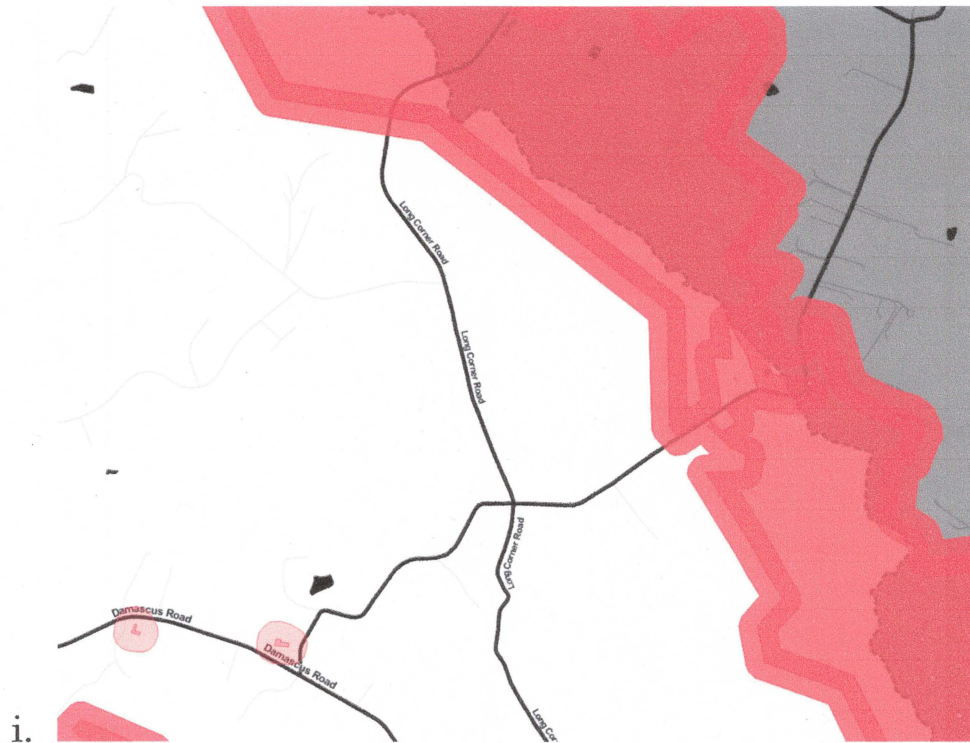
approximately one mile from the county border. The Ridge Road side is excluded by a park, and the small surface streets that exit from Kempton are excluded by North Point Park and conservation area.



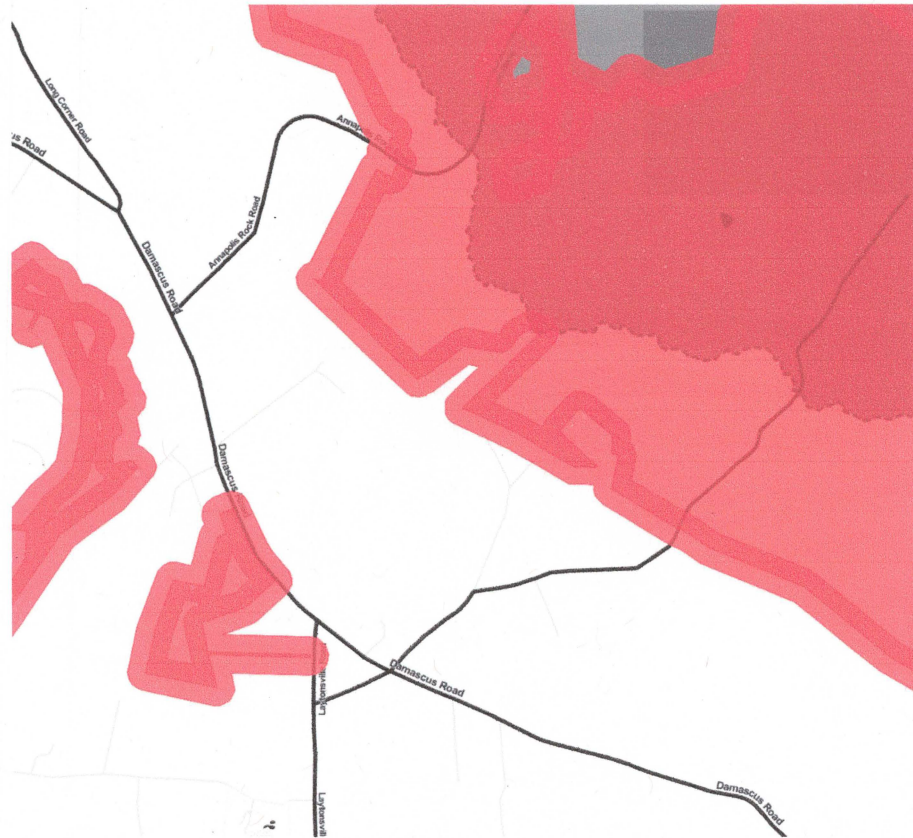
i.

- c. Continuing clockwise along the county border, now southeast, Long Carrier Road, Damascus Road, and Mullinix Mill are all blocked by the Patuxent River State Park and its attendant buffer. Travel down Damascus Road is prevented by the buffer surrounding Damascus Grace Fellowship

Seventh-day Adventist Church at the intersection of Mullinix and Damascus, and First Baptist Church on Damascus.

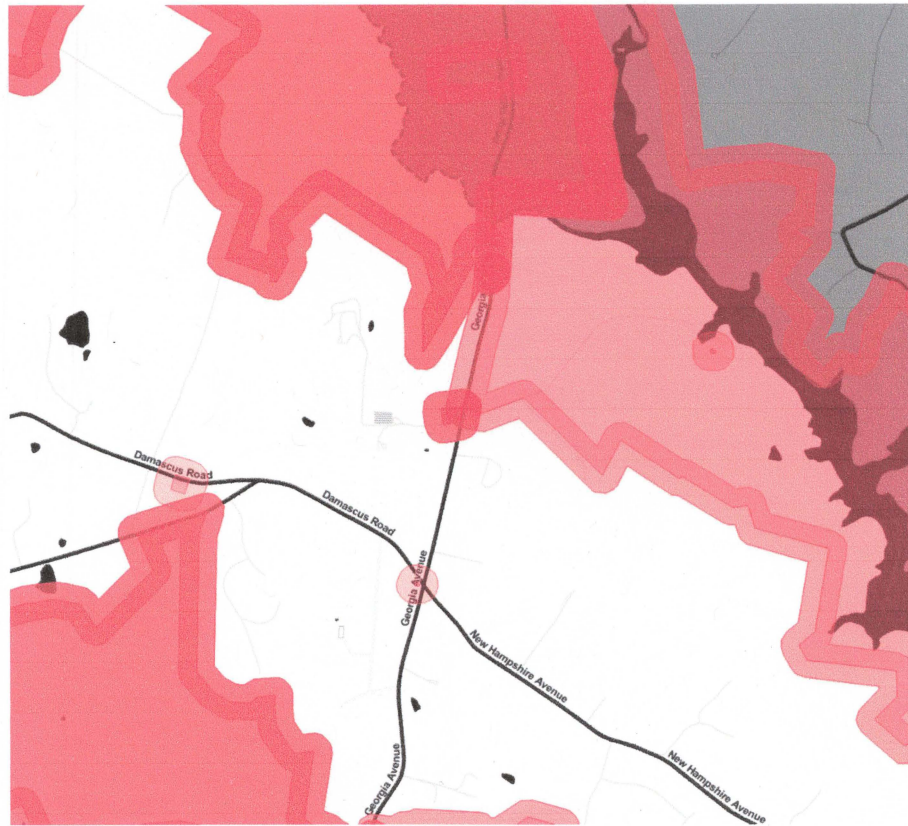


- d. Further South, entry into the county is excluded by the Patuxent River State Park and its attendant buffer. Hipsley Mill Rd and Annapolis Rock Road are thus also excluded.



i.

- e. Continuing clockwise, the aforementioned state park and several churches prevent the use of Georgia Avenue to get into the county. Even without the state park buffer zone, several other objects, such as churches and the Rachel Carson Conservation Park, block travel along Damascus.



i.

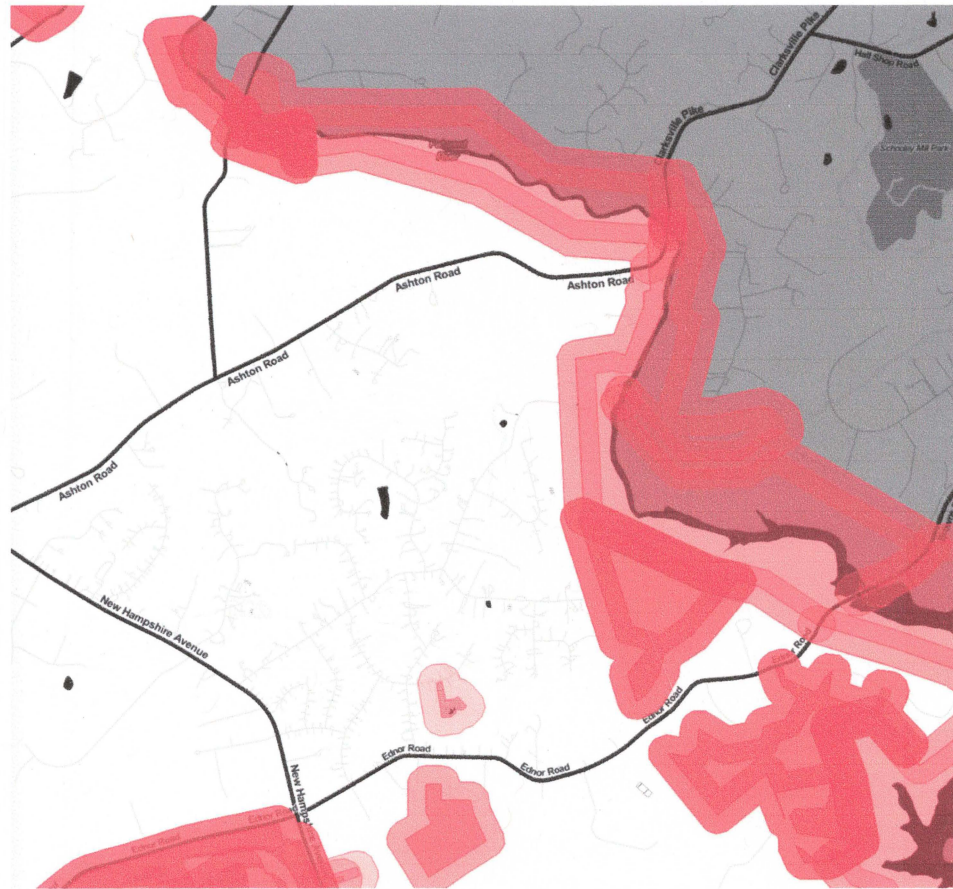
- f. Further clockwise and southbound, Brighton Dam Road is precluded by the Brighton Dam Recreation Park and the protected area around the Triadelphia Reservoir.

Furthermore, the intersection of Brighton Dam Road and New Hampshire Avenue precludes further travel because of St Luke's Episcopal Church at that intersection. Haviland Mill Road is also precluded by Patuxent River State Park.



i.

g. Continuing clockwise, Mink Hollow Road, Ashton Road, and Ednor Road are precluded by the T. Howard Duckett Watershed Park. Even so, the intersection of New Hampshire and Ednor is precluded by the buffer surrounding a large golf course and the Kingdom Hall of Jehovah's Witnesses.



i.

h. Continuing clockwise, Columbia Pike and Sandy Spring Road are obviated by several features. The T. Howard Duckett Watershed Park blocks Columbia pike on the county border. Sandy Spring is blocked by the McKnew Conservation Park. Even so, Trinity Reformed Presbyterian Church blocks further entry just past the conservation park, and Columbia Pike is precluded by another tagged park. Spencerville Road, off of Sandy Spring, is blocked by Santini Road Local Park. Further South on Columbia Pike, the 100-

yard buffer of Fairland Recreational Park precludes the northbound lanes of Columbia Pike.



i.

- i. Continuing clockwise, and starting from the northmost road, Green Castle Road is precluded as it enters the county by Fairland Recreational Park. The intercounty connector is precluded by Cross Creek Club Local Park's buffer zone and the Cross Creek Golf Club's buffer. Those same features also preclude Briggs Chaney Road. Further south, Fairland Road is precluded at the Calverton-Galway Local Park 680 meters

from the county border. Furthermore, the Paint Branch High School campus completely prohibits continued travel on Columbia Pike. On Briggs Chaney Road, Burtonsville Fire Station 15 prevents westerly travel into the county.



- j. Continuing Clockwise, Calverton Boulevard and Cherry Hill Road meet to continue west into the county. These roads are traversable for approximately 1.5 kilometers before being precluded by a United States National Guard Complex and its buffer zone. Next, Powder Mill Road is precluded on the

county border by the FDA White Oak Campus's buffer zone, whose grounds are described as a federal research center.

This same feature precludes the use of New Hampshire Avenue, along with Hillandale Local Park, and Hillandale Fire Station 12.



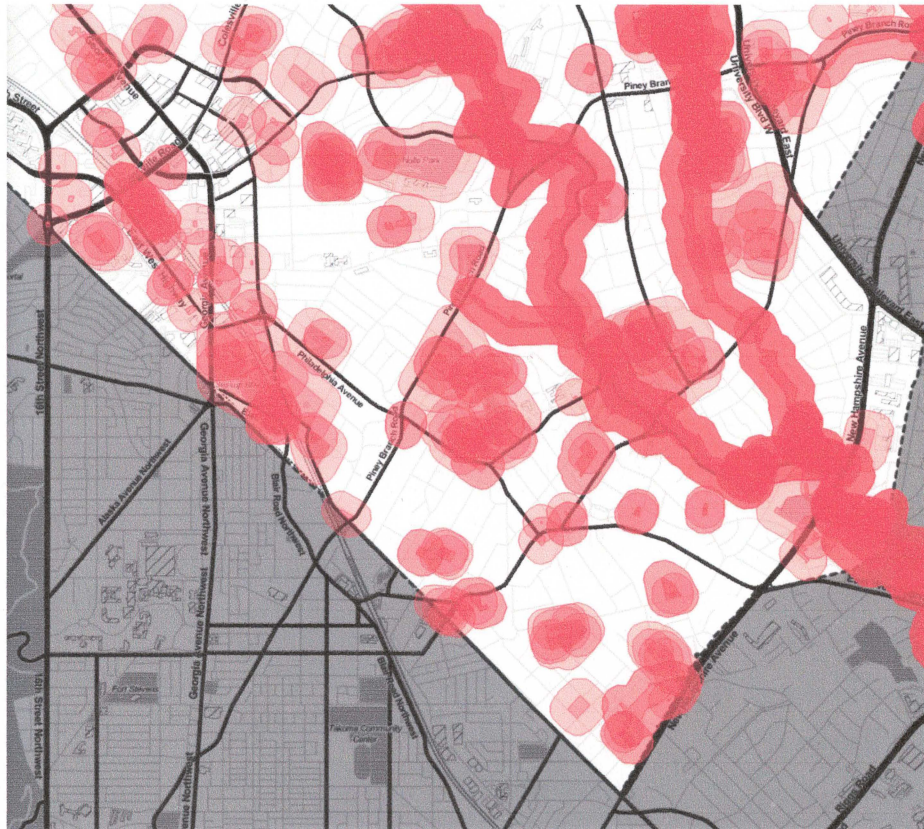
k. Continuing clockwise, approaching the Capital Beltway, travel into the county is precluded by the Tommy Douglas Conference Center. Next, Piney Branch Road is precluded by the Northwest Branch Stream Valley Park's buffer. Piney

Branch continues, connects with Carroll Avenue, and forms a triangle with University Boulevard East. Travel on any roads in this triangle makes getting further into the county impossible because of the International Foursquare Gospel Church of Silver Spring, the Clifton Park Baptist Church, the New Hampshire Estates Elementary School campus, and an attached park to the school. University Boulevard East straddles the edge of the county, and permissible travel into the county is a matter of meters, not miles.



i.

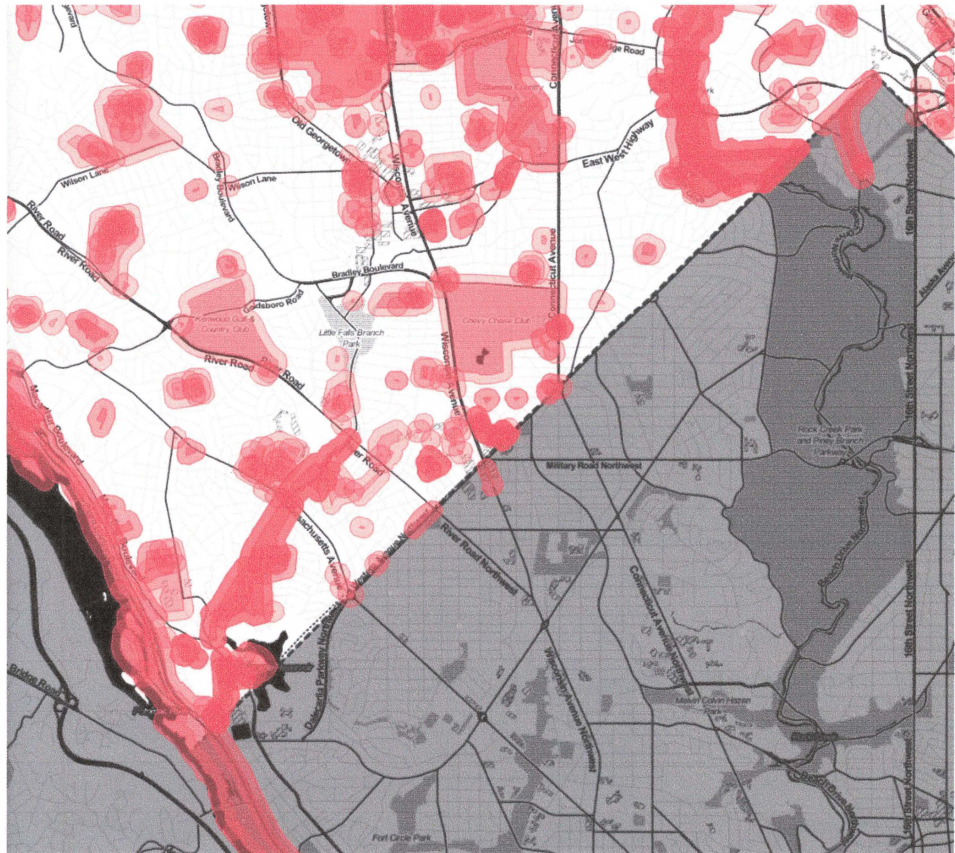
1. Continuing clockwise, all roads between 16th Street Northwest and University Boulevard are precluded by features along the county line, save for the East-West Highway, which becomes precluded as it transitions to Ethan-Allen Ave due to Jackson Boyd Park. Thus, travel along this road is limited to 640 meters.



i.

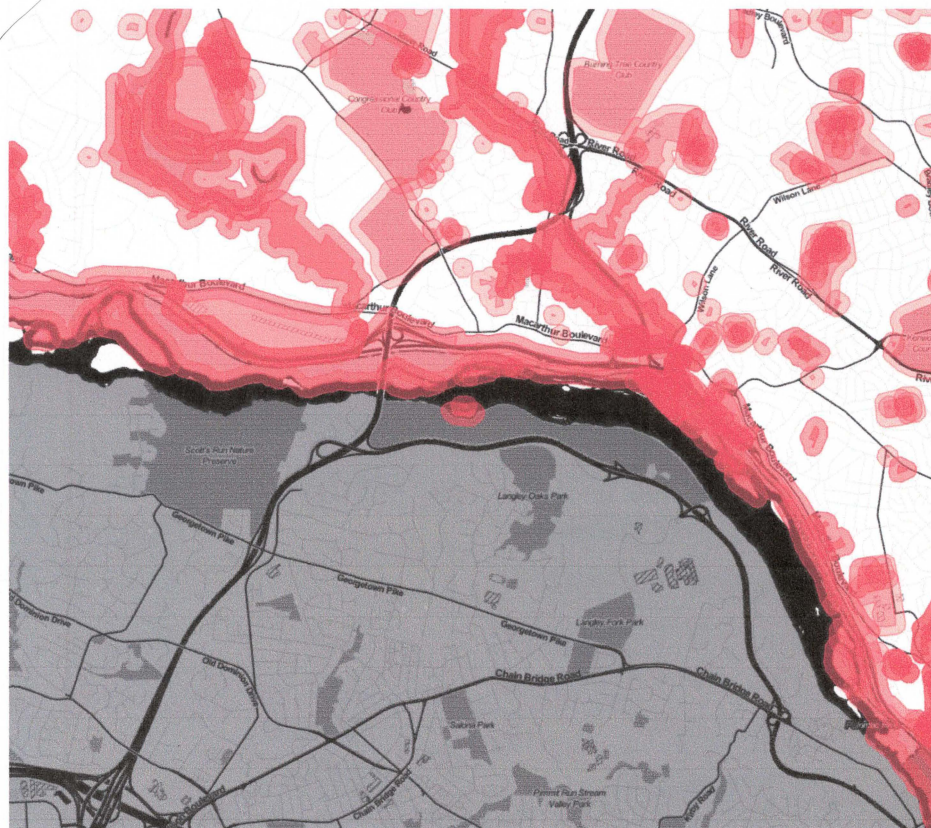
- m. Continuing clockwise, between 16th Street Northwest and Clara Barton Parkway, travel along all major roads except Wisconsin Avenue and the much smaller Brookville Road are

precluded at the county border. As for Wisconsin Avenue, northbound travel is cut off 180 meters from the county line, before the buffer zones of Belmont Buffer Park and the Friendship Heights Village Center intersect the road. As for Brookville, northbound travel is precluded about 500 meters from the county line by Brookville Road Park.



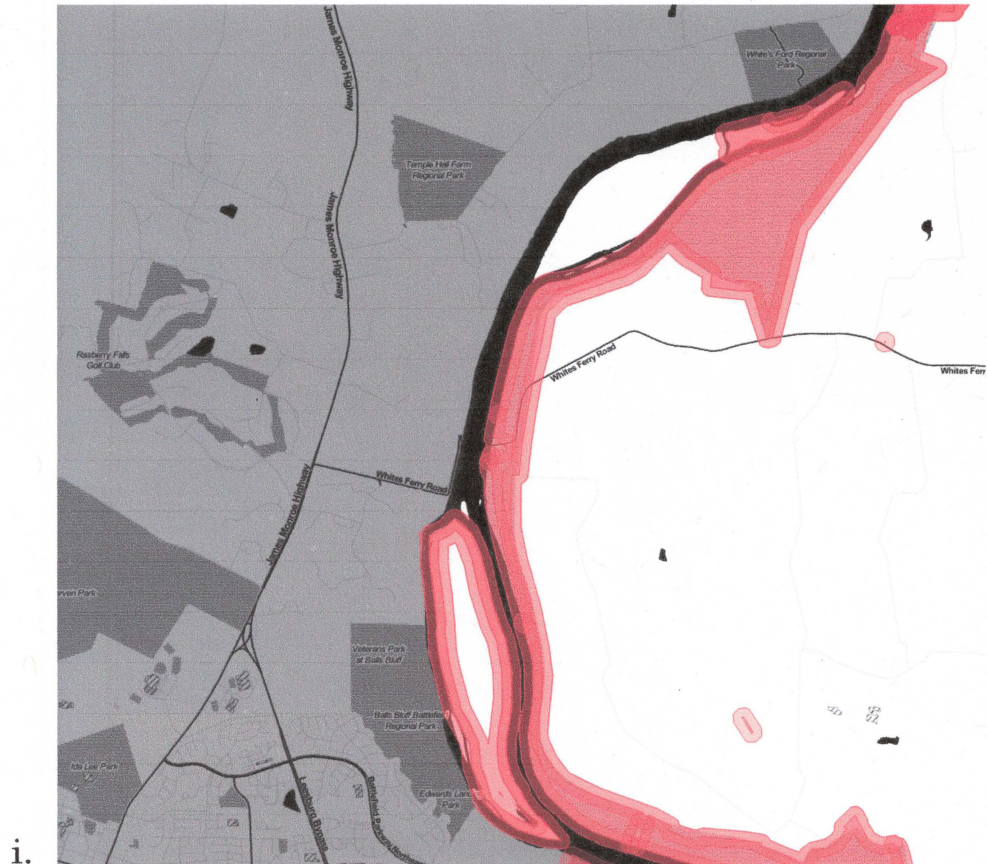
i.

n. Continuing clockwise, between the Clara Barton Parkway and the crossing of the Capitol Beltway, there is no traversable road while carrying a loaded firearm.



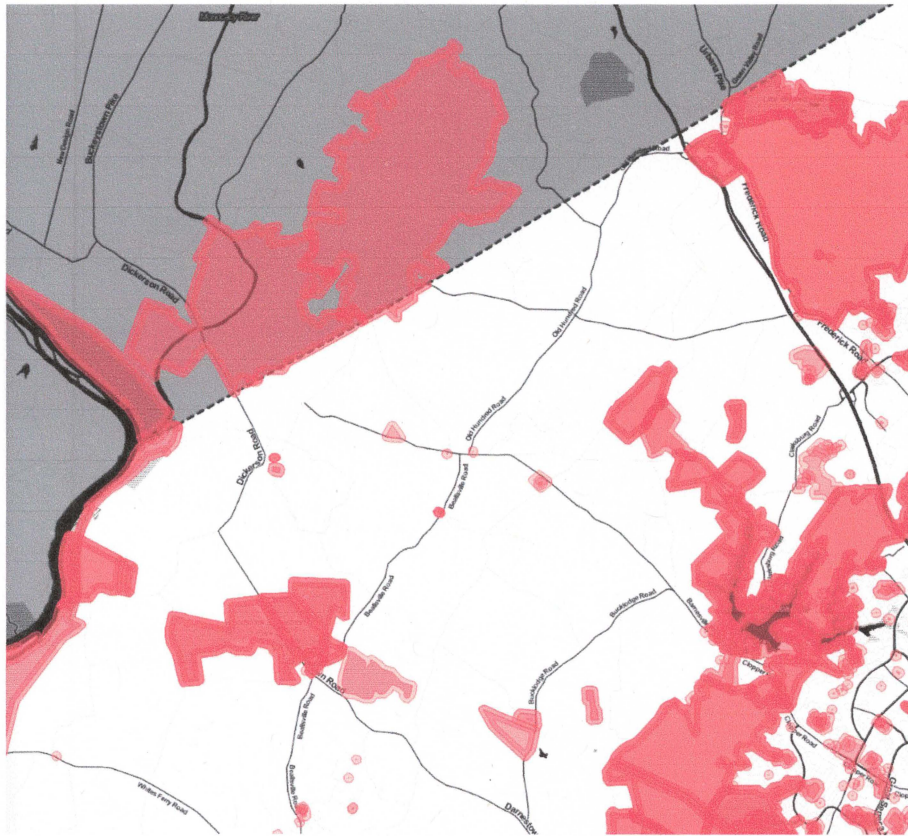
i.

- o. Continuing clockwise, to the next normally traversable point, White's Ferry, White's Ferry Road is inaccessible due to the Chesapeake & Ohio Canal National Historical Park and picnic site.



- p. Continuing clockwise, Dickerson Road just narrowly enables travel into the county, however, Woodstock Equestrian Park prohibits further travel into the county. The Metropolitan Subdivision Rail line is, of course, not traversable as each of its stations are government buildings. Comus Road, which intersects with Old Hundred Road and the Eisenhower Memorial Highway ramps is entirely precluded by the buffer zone surrounding Little Bennet Regional Park.

- i. If taking Old Hundred, further travel is precluded by the Barnesville Baptist Church, thus total possible travel into the county is 7 rural kilometers.
- ii. If taking Comus, the Clarksburg Seventh Day Adventist Church and the Little Bennet Regional Park cuts off further travel, enabling roughly 8 rural kilometers.
- iii. Frederick Road is precluded very close to the county border by Hyattstown United Methodist Church's buffer zone.



iv.

3) Travel with a loaded firearm to, from, or within Bethesda is virtually impossible.

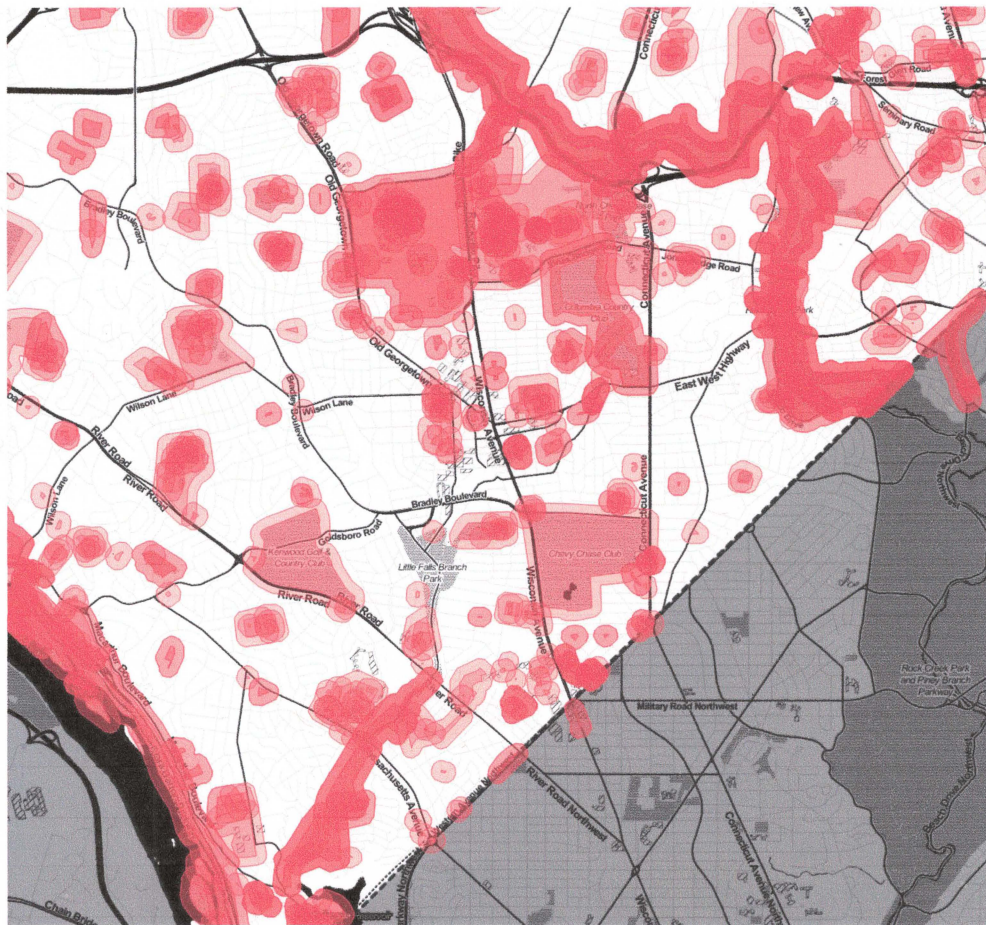
- a. In the north, most of the Capitol Beltway is precluded by Rock Creek Stream Valley Park, which snakes around Montgomery County until it meets Washington, DC. This makes travel in the North and East directions extremely difficult. Off of the Beltway, surrounding Rockville Pike, is the National Institute of Health Campus and Bethesda's Naval Support Activity Campus. They are joined with the

Colombia Country Club to form a blockade of Jones Ridge Road, Rockville Pike, Old Georgetown Road, and Connecticut Avenue going north. Where Old Georgetown Road meets with the ramps for the Beltway, the Rochambeau French International School campus, the Bethesda Country Day School Campus, the St. James De Chantel Campus and Church, the Maplewood Park Place Assisted Living Center Campus, and the YMCA all preclude travel before the road meets the beltway.

- b. Travel in downtown Bethesda is blocked by a multitude of factors. Starting in the east, the Bethesda-Chevy Chase Campus and the Lady of Lourdes Church and School prohibit travel into downtown on the East-West Highway. Eastbound travel along Montgomery Avenue is blocked by the Ambulatory Care Center.
- c. Going south from downtown, Wisconsin Avenue is precluded by the buffer from Elm Street Urban Park. Further travel along Wisconsin Avenue is impossible where it meets with Bradley Boulevard, as the Oneness-Family Montessori

School and Chevy Chase Golf Club campus, plus Bethesda Fire Station 6.

- i. It is worth noting many of the aforementioned features extend into residential areas, which would theoretically prevent individuals from lawfully leaving their homes while carrying a loaded firearm.
- d. The Bethesda Metro Center's buffer zone splashes most of the western portion of downtown Bethesda.
- e. Wilson Lane and Arlington Road meet Old Georgetown Road, and travel is blocked along all of these by the Bethesda Elementary School Campus, Bethesda Elementary Park, the Bethesda Regional Library, and the Sidwell Friends Primary School Campus.



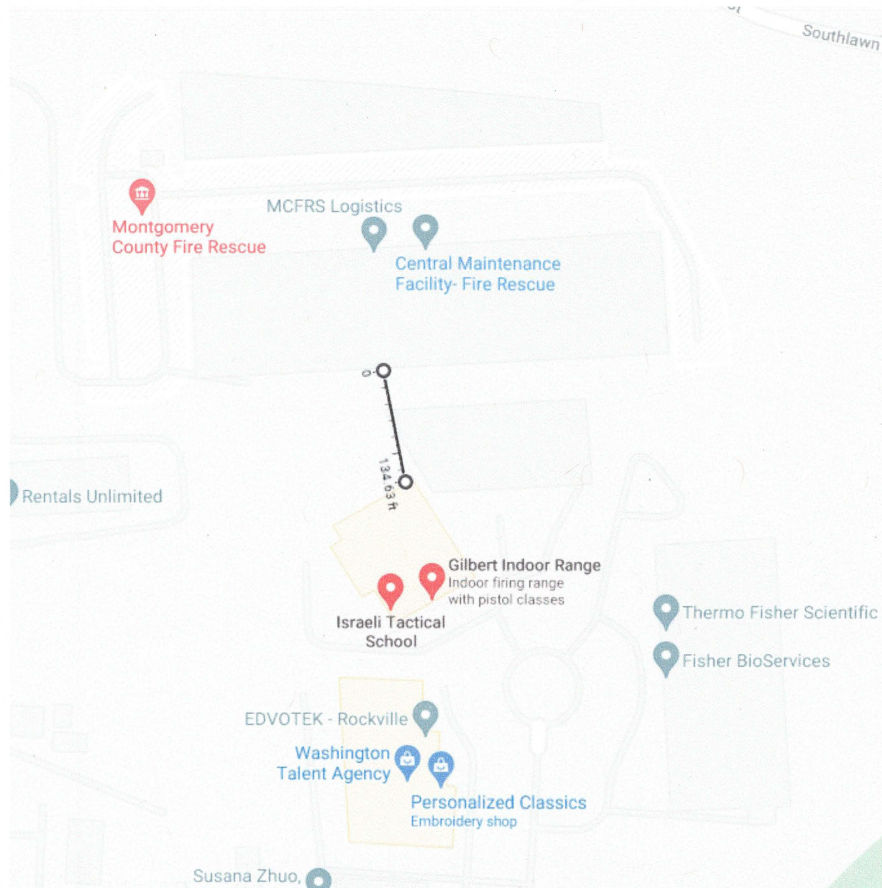
f.

4) Exemplar: Shooting Ranges

- a. I selected two shooting ranges in Montgomery County and used the map data to see how far one could potentially travel *from* the range while carrying a loaded firearm. The reverse inference is that, unless one lives within the described distance, it would be impossible to otherwise travel to said range while carrying. I found the ranges on google maps, then input their coordinates into the openmaps API.

b. Gilbert Indoor Range: This range is located on Rothgeb Drive.

- i. The Montgomery County Fire Rescue Central Maintenance Facility's 100-yard buffer zone overlaps entirely with the Gilbert Indoor Range structure. The Rockville Maintenance Yard overlaps with Rothgeb Drive, completely isolating the range.



ii.


c. Izaak Walton League Rockville Chapter.

- i. This range is located on Waring Station Road. It is surrounded by a nature reserve owned by the state. Then, Seneca Creek State Park joins the area, precluding travel to, from, inside, or around the range. The road itself leading up to the area, Clopper Road, has travel prohibited by the same features. The features and their buffer zones completely cover the property of the Izaak Walton League's Rockville Chapter. The range is marked by an X on the following picture.



ii.

Under penalty of perjury, I do declare the foregoing to be a true
and correct reflection of my research and findings.

A handwritten signature in black ink, appearing to read 'D. Carlin-Weber', is written over a solid horizontal line.

Daniel Joseph Carlin-Weber
Dated this 16th Day of July, 2023